

**ORDINANCE NO. 10-48**  
**AN ORDINANCE GRANTING AUTHORIZATION TO ERECT A TENT AS A**  
**TEMPORARY USE FOR J. FLEMINGS' ABSOLUTELY DELICIOUS RESTARUANT**  
**LOCATED AT 18 N. CASS AVENUE, WESTMONT**

WHEREAS, the Village of Westmont is a home rule municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, J. Flemings' Absolutely Delicious Restaurant ("Applicant") has requested permission to erect a tent for the purpose of outdoor dining from April through late October for the outdoor space located at 18 N. Cass Avenue, Westmont, Illinois (the "Subject Property"); and

WHEREAS, Applicant seeks authorization to erect a tent temporarily to be used for outdoor dining upon the Subject Property which is located in the B-1 Limited Business District during the warmer months; and

WHEREAS, the Westmont Code of Ordinances allows a temporary building, such as a tent, to be erected upon commercial spaces only upon the approval by the Village Board; and

WHEREAS, the Village of Westmont Board of Trustees desires to grant this temporary use to Applicant.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, as follows:

Section 1: Applicant's request for a temporary use to erect a tent upon the Subject Property is hereby approved. The following special conditions shall apply to this approval:

- A. Outdoor dining under said tent is permitted between April 1 and October 31 upon the Subject Property for the Applicant's restaurant for each year. Village approvals for this temporary tent use for subsequent years are not required, however, the Village Board reserves the right to terminate this approval at any time and reserves the right to impose additional special conditions upon this approval at any time.
- B. Lighting which is directly related to the operation of the outdoor dining area shall be directed away from adjacent properties in conformance with the Village's lighting standards and shall not create a public nuisance.
- C. The outdoor dining area floor shall consist of a hard dustless material, generally asphalt, concrete, or concrete pavers.